

67-4-11 Delict of treasurer -- Duties of auditor and governor -- Suspension.

- (1) The state auditor shall notify the governor if the state auditor examines the books of the state treasurer, and finds that:
 - (a) the books do not correspond with the amount of funds on hand;
 - (b) the books do not show the actual condition of the funds;
 - (c) money belonging to the state has been embezzled, diverted, or in any manner taken from the treasury without authority of law; or
 - (d) the state treasurer has been guilty of negligence in keeping the books or in taking care of the public money.
- (2) Upon receipt of the notice, the governor shall:
 - (a) take possession of all books, money, papers, and other property belonging to the state in the possession of the state treasurer; and
 - (b) temporarily suspend the state treasurer from office.
- (3)
 - (a) The state auditor shall:
 - (i) examine the books, papers, and all matters connected with the office of the suspended state treasurer; and
 - (ii) notify the governor of the findings.
 - (b) If, based upon the examination, the auditor concludes that the state treasurer has embezzled or converted to personal use the public money, or has been negligent in keeping the books, or in taking care of the public money, the governor shall appoint another person to replace the suspended state treasurer.
 - (c) The new state treasurer shall execute an official bond, and enter upon the office of state treasurer, as provided by law.
 - (d) The governor shall report all of the acts done under this section to the Legislature.
- (4) The new state treasurer shall hold office until the suspended state treasurer is restored or until his successor is elected and qualified.

Amended by Chapter 342, 2011 General Session